

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

NO. CR08-159-JLR

Plaintiff,

v.

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

GUSTAVO ROJO-MELENDEZ,

Defendant.

An evidentiary hearing on a petition for violation of supervised release in this case was scheduled before the undersigned Magistrate Judge on July 6, 2011. The United States was represented by Assistant United States Attorney Sarah Vogel for Karen Johnson, and the defendant by Scott Engelhard. The proceedings were digitally recorded.

The defendant had been charged and convicted of Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). On or about December 15, 2008, defendant was sentenced by the Honorable James L. Robart to a term of 19 months in custody, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in a substance abuse program and search.

1 In a Petition for Warrant or Summons dated June 7, 2011, U.S. Probation Officer
 2 Andrew J. Lorenzen asserted the following violations by defendant of the conditions of his
 3 supervised release:

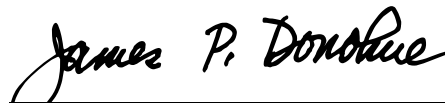
- 4 1. Using marijuana on or before May 6, 13, 25, and June 1, 2011, in violation of
 5 standard condition 7.
- 6 2. Using cocaine on or before May 6, 2011, in violation of standard condition 7.
- 7 3. Using oxycodone on or before June 1, 20011, in violation of standard condition
 8 7.
- 9 4. Failure to pay Special Assessment as directed, in violation of the standard
 10 condition.

11 On June 21, 2011, defendant made his initial appearance. The defendant was advised
 12 of the allegations and advised of his rights. On July 6, 2011, this matter came before the Court
 13 for an evidentiary hearing. Defendant admitted to violations 1, 2 and 4. Alleged violation 3
 14 was dismissed without prejudice by the government.

15 I therefore recommend that the Court find the defendant to have violated the terms and
 16 conditions of his supervised release as alleged in violations 1, 2 and 4, and that the Court
 17 conduct a hearing limited to disposition. A disposition hearing on these violations has been set
 18 before the Honorable James L. Robart on July 18, 2011 at 10:00 a.m.

19 Pending a final determination by the Court, the defendant has been detained.

20 DATED this 6th day of July, 2011.

21 

22 JAMES P. DONOHUE
 23 United States Magistrate Judge

24 cc: District Judge: Honorable James L. Robart
 25 AUSA: Karen Johnson
 Defendant's attorney: Scott Engelhard
 26 Probation officer: Andrew J. Lorenzen